

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, October 12, 2005
9:00 a.m.*

<p>Rancho California Water District District Board Room 42135 Winchester Road Temecula, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, September 28, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, October 5, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, September 28, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: September 14, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Item:

5. New Waste Discharge Requirements: Port of San Diego Dredging Project, Berths 10-3 to 10-6, San Diego Bay (tentative Order No. R9-2005-0226) (*Dat Quach*)

Remainder of the Agenda (Non-Consent Items):

6. NPDES Permit Reissuance: Encina Wastewater Authority, Encina Water Pollution Control Facility and Satellite Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Encina Ocean Outfall, San Diego County (tentative Order No. R9-2005-0219, NPDES No. CA0107395) (*Brian Kelley*)
7. **PUBLIC HEARING:** Amendment to the Water Quality Control Plan for the San Diego Basin (9). The Regional Board will hear public testimony and receive comments on a Basin Plan amendment to add unnamed or unidentified waterbodies to the beneficial use tables and make water quality objective table corrections. The Regional Board will deliberate on and consider adoption of this amendment at a subsequent meeting. (Basin Plan Issue No. 3) (Tentative Resolution No. R9-2005-0239) (*Linda Pardy*)
8. **PUBLIC HEARING:** Amendment to the Water Quality Control Plan for the San Diego Basin (9). The Regional Board will hear public testimony and receive comments on a Basin Plan amendment to incorporate authorization for compliance time schedules in Waste Discharge Requirements that implement federal NPDES regulations. The Regional Board will deliberate on and consider adoption of this amendment at a subsequent meeting. (Basin Plan Issue No. 6) (Tentative Resolution No. R9-2005-0238) (*Linda Pardy*)
9. Modification of a California Water Code Section 13225/13267/13383 Directive to the County of Orange, Orange County Flood Control District, Cities of Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest and Mission Viejo for implementation of an action plan to address elevated bacteria levels in the Aliso Creek Watershed. (*Jeremy Haas*)
10. Section 401 Water Quality Certification: Greystone Homes, Sky Ranch Project in Santee, San Diego County. (*Mike Porter*)

11. Status Report: Short briefings by staff and the co-permittees of the Riverside County MS4 permit will update the Regional Board on the permittees' progress in implementing the storm water programs prescribed by Order No. R9-2004-001, which was adopted by this Regional Board in June 2004.
12. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
 - WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50.* Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (Frank Melbourne)
 - Divers' Environmental Conservation Organization v. State Water Resources Control Board,* San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (Paul Richter)
 - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.
 - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.
 - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.
 - San Diego Unified School District v. County of San Diego and San Diego Regional Water Quality Control Board.* San Diego Superior Court, Case No. GIC 840390. Demurrer by San Diego Regional Water Quality Control Board to first amended complaint.
13. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
14. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
15. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
16. Arrangements for Next Meeting and Adjournment

Wednesday, November 9, 2005 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. On August 23, 2005, the Regional Board issued Cleanup and Abatement Order No. R9-2005-0017, *Bulen Family Trust, Lovett's One Hour Dry Cleaners, 1378 East Grand Avenue Escondido, California, San Diego County*. The Bulen Family Trust owns the property where Lovett's One Hour Dry Cleaner is located (1378 E. Grand Avenue in Escondido, California). The discharge of chlorinated solvent waste from the Lovett's One Hour Dry Cleaner has caused a condition of pollution in ground water and is a violation of Basin Plan Prohibition No. 1. Efforts to investigate and remediate the condition of pollution caused by the discharge of chlorinated solvent waste from Lovett's One Hour Dry Cleaners under the regulatory oversight of the County of San Diego Department of Environmental Health's Voluntary Assistance Program has not cleaned up the waste or abated the effects of the waste as required by Water Code Section 13304. Therefore, the Regional Board issued Cleanup and Abatement Order No. R9-2005-0017. (*Laurie Walsh*)

B. 45-day notice: Pursuant to California Code of Regulations, Title 27 §21730(b), the California Regional Water Quality Control Board, San Diego Region is providing the following notice to consider adoption of tentative Waste Discharge Requirements, Order No. R9-2005-0183, for Closure and Post-Closure Maintenance and Monitoring of the Anza Sanitary Landfill located in the County of Riverside. The Regional Board plans to schedule an agenda item, to receive public comments and consider adoption of tentative Order R9-2005-0183, during its regularly scheduled meeting on December 14, 2005. Tentative Order No. R9-2005-0183 would, if adopted, supercede existing waste discharge requirements in Order No. 87-53 and addenda thereto, and delete the Anza Landfill from General Order No. 93-86. (*Amy Grove*)